IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3690 OF 2005
IN
CRIMINAL APPEAL NO.493 OF 2005
IN
SPL.N.D.P.S.CASE NO.148 OF 1999

Abubacar Sow ..Applicant

Vs.

Shri.P.V.Nayak & Anr. ..Respondents

...

Mr.Atul Sarpande i/b Ms.Rupali Shinde
Advocate for Applicant
Mr.J.C.Satpute for Respondent no.1
Mr.V.B.Konde-Deshmukh A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 1,2005

P.C.

1. Heard both sides.

2. The applicant is seeking bail. The applicant has been convicted under the N.P.D.S.Act. He was found in possession of 3 kgs.of heroine (brown-sugar) in a suitcase at the Airport. The evidence on record clearly brings out the involvement of the applicant in the crime. The

application is a National of Republic of Guinee. In such case, it is apprehended by the Respondents that if the applicant is released on bail, he may not be available. The quantity found with the applicant is commercial quantity. In this view of the matter, I do not think that this is a fit case to grant bail.

3. However, looking to the fact that the applicant has been in custody for almost half of the period of imprisonment imposed on him, I am inclined to grant liberty to the applicant to prepare the paper-books privately at his own costs. Appeal to be placed on the final hearing board within a week of the paper-books being furnished.

4. Application is disposed of.

[V.K.TAHILRAMANI,J.]